

Panaji, 23rd August, 2002 (Bhadra 1, 1924)

SERIES II No. 21

OFFICIAL GOVERNMENT OF GOA GAZETTE

SUPPLEMENT

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

No. 10/4/2002-LA

The following orders received from the Government of India, Ministry of Coal and Mines, Controller of Mining Leases for India, Nagpur, under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, are hereby published in the Official Gazette for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 9th May, 2002.

GOVERNMENT OF INDIA

MINISTRY OF MINES & MINERALS

DEPARTMENT OF MINES

OFFICE OF THE CONTROLLER OF MINING LEASES FOR INDIA

Order

No. CML/Z-626/2000

The following mining lease case has been registered in this Office for modification as per provisions of the Mines & Minerals (Regulation & Development) Act, 1957, and the rules made thereunder:—

Case No.	Denomination of Mine	Location	Mineral	T. C. No. & Date	Period	Area (in Hects.)
Z-626	Sanvori Tembo	Querim, Ponda, Goa	Iron & Manganese Ore	22 of dt. 13-6-58	Permanent	99.8430

This Office has issued a Show Cause notice vide letter No. CML/Z-626/99, dt. 30-8-99 to M/s. Empresa Mineira Comercial (Now Emco Goa Private Limited), Station Road, Margao, Goa under rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, for modification of above mining lease. A copy of this Show Cause Notice was also sent to the

State Government of Goa (Lessor), Industries & Mines Deptt, Goa. In reply to the Show Cause Notice, the lessee has informed vide their letter No. Nil dated 23-9-1999, that the above mentioned lease is not in existence, as the lessee did not seek renewal.

However, no information was received from the State Government against the notices in respect of surrender of the aforesaid mining lease by the party. Further, no representative of the State Government was also present during the hearing on the date fixed at Goa.

It is, therefore, on the basis of the information received from the party letter under reference regarding surrender of above lease, this case is hereby closed and filed.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 6-4-2000.

Order

No. CML-Z-567/2000

The following mining lease case has been registered in this Office for modification as per provisions of the Mines & Minerals (Regulation and Development) Act, 1957, and the rules made thereunder:—

Case No.	Denomination of Mine	Location	Mineral	T. C. No. & Date	Period	Area (in Hects.)
Z-567	Conquichem Ran	Poicul e Darbandora	Iron	25 of 3-6-1957	Permanent	75.0000

This Office has issued a Show Cause Notice vide letter No. CML/Z-567/99, dt. 4-10-99 to Shri Vishwasrao Dattaji Chowgule, Chowgule House, Mormugao Harbour, Goa under rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, for modification of above mining lease. A copy of this Show Cause Notice was also sent to the State Government of Goa (Lessor), Industries & Mines Deptt. Panaji, Goa. In reply to the Show Cause Notice, the lessee has informed vide their letter No. MIN/G/1115 dated 9th February, 2000, that the above mentioned lease had already been surrendered to the State Government after the commencement of Goa, Daman & Diu Mining Concessions (Abolition & Declaration of Mining Leases) Act, 1987.

However, no information was received from the State Government against the notice in respect of surrender of the aforesaid mining lease by the party. Further, no representative of the State Government was also present during the hearing on the date fixed at Goa.

It is, therefore, on the basis of the information received from the party letter under reference regarding surrender of above lease, this case is hereby closed and filed.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 6-4-2000.

Order

Case No. CML/Z-485/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas *Fourteen (14) cases were registered for the modification of terms of *14 mineral mining leases dated .. as per enclosed list for* Iron Ore/Manganese held by M/s Sesa Goa Ltd., P. B. No. 125, Sesaghor, 20 EDC Complex, Panjim, Goa for permanent period, area 880.4758 hectares in village(s) as per enclosed list, district Goa of Goa State.

And Whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the fourteen (14) leases as per list enclosed is limited to 880.4758 hecets. only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-
"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 28-2-2000.

ANNEXURE I

Details of Fourteen (14) Mining Leases

The Lessee: M/s. Sesa Goa Ltd., P.B. No. 125, Sesaghor, Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Mineral(s)	T.C.No. & Date of Lease	Original area in (Hects.)	Surrendered area in (Hects.)	Balance area for modification in (Hects.)
1	2	3	4	5	6	7	8	9
1.	Z-30	Macarxendo & Mauling to decho Dongor	Maulinguem, Bicholim North Goa	FE	9/23.9.49	92.5385	—	92.5385
2.	Z-31	Chireachea Ambeacodil Dongurli & Cantonachil	Maulinguem Bicholim North Goa	FE/MN	10/23.9.49	78.9306	—	78.9306
3.	Z-401	Cancagalleu Tolope Borchemtemb Folutomboou	Maulinguem Bicholim North Goa	FE	3/15.1.54	32.0400	—	32.0400
4.	Z-226	Drssso-Dongor	Advalpale Bicholim North Goa	FE	76/8.9.52	99.4000	5.5000	93.9000
5.	Z-479	Eduanco ou meal everin	Pirna Nadora Bardez North Goa	FE/MN	32/30.6.55	43.0000	0.5000	42.5000
6.	Z-108	Botvadeacho Dongor	Pissurlem Satari North Goa	FE/MN	28/6.4.51	23.9585	—	23.9585
7.	Z-148	Maindvolicho Soda & Codcculnvoril Soad	Codli Sanguem South Goa	FE	69/14.12.51	99.7900	—	99.7900
8.	Z-220	Gurmel	Codli of Quirlapale Sanguem South Goa	FE	70/18.8.52	99.7952	—	99.7952

1	2	3	4	5	6	7	8	9
9.	Z-379	Gadia Soddo	Codli Sanguem South Goa	FE	126/4.12.53	100.0000	-	100.0000
10.	Z-643	Ambacculna	Santona Sanguem South Goa	FE	39/11.8.58	92.2950	1.4000	90.8950
11.	Z-485	Millem Dongor	Darbandora Sanguem South Goa	FE/MN	38/3.9.55	100.0000	38.3400	61.6600
12.	Z-486	Xirvol Culna	Darbandora Sanguem South Goa	FE/MN	39/3.9.55	23.9580	7.6600	16.2980
13.	Z-473	Cajumol	Sacordem Sanguem South Goa	FE/MN	26/9.7.55	43.0000	25.0000	18.0000
14.	Z-770	Nagonem Borod	Colem Sanguem South Goa	FE	6/29.1.60	66.9000	36.7300	30.1700

Grand Total 995.6058 (-) *115.1300 = 880.4758 * As per Fax dt. 23-3-2000.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF
THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-485/2000

Name of the lessee : M/s Sesa Goa Limited,
Post Box No. 125, Sesaghor,
20 EDC Complex,
Panjim,
Goa-403001.

Date of the lease :
Mineral(s) : } As per enclosed list
Area and Location : }
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s Sesa Goa Limited, and the lessor - the Government

of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated - - - held by the lessee.

3. The case was also taken up for hearing on 9-12-99, 14-1-2000, 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 9-12-99, 14-1-2000, 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing.

- i) Information regarding lease(s) in the prescribed annexures I & II under Rules/Act.

- ii) Affidavit(s) dated 1-12-99 & 3-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of

the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- (ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining (Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16th of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 28-2-2000.

Order

No. CML/Z-542,600/2000

The following mining leases cases have been registered in this Office for modification as per provisions of the Mines & Minerals (Regulation & Development) Act, 1957, and the rules made thereunder:—

Case No.	Denomination of Mine	Location Village/Taluka	Mineral	T. C. No. & Date	Period	Area (Hects.)
Z-542	Zamblimollacho Sodd	Muguli, Sanguem Goa	Iron	2/57 dt. 16-1-57	Permanent	90.5000
Z-600	Cairik, Colleanchemped etc.	Bordem, Bicholim Goa	Iron Ore	59/57 dt. 9-12-57	Permanent	97.1800
						187.6800

This Office has issued a Show Cause Notices vide letter No. CML/Z-542 & Z-600, dt. 10-1-2000 respectively to M/s. Raghuvir Sinai Gharse, Near Municipality Office, Post Box No. 204, Margao, Goa under Rule 6 of the ML(MT) Rules, 1956 for modification of above mining leases. A copy of this Show Cause Notices was also sent to the State Government of Goa, Industries & Mines Deptt., Panaji, Goa. In reply to the Show Cause Notices, the lessees have informed vide their letter No. Nil dated 14-2-2000, that the above mentioned leases had already been surrendered to the State Government immediately after the commencement of Goa, Daman and Diu Mining Concessions (Abolition & Declaration as Mining Leases), Act, 1987.

However, no information was received from the State Government against the notices in respect of surrender of the aforesaid mining leases by the party. Further, no representative of the State Government was also present during the hearing on the date fixed at Goa.

It is, therefore, on the basis of the information received from the party letters under reference regarding surrender of above two leases, these cases are hereby closed and filed.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 31-3-2000.

Order

No. CML/Z-638/2000

The following three mining lease cases have been registered in this Office for modification as per provisions of the Mines & Minerals (Regulation & Development) Act, 1957, and the rules made thereunder:—

Sl. No.	Case No.	Denomination of Mine	Village/Taluka & District	Mineral	T. C. No. & Date	Area (in Hects.)
1.	Z-638	Sorvoi	Bomba, Ponda South Goa	Fe/Mn	34/11.8.58	94.0770
2.	Z-639	Dolcachem Tolop	Mugao, Bicholim North Goa	Fe/Mn	35/11.8.58	90.7155
3.	Z-584	Goteacodio Cud	Codqui, Satari South Goa	Fe/Mn	43/30.9.57	94.9160
						Total 279.7085

This Office has issued a Show Causes Notice vide letter No. CML/Z-638/2000, CML/Z-639/2000 & CML/Z-584/2000, dt. 29-2-2000 fixing hearing on 11-4-2000 to M/s. Dainanda Balcrisna Bandodkar & Sons Pvt. Ltd., Second Floor, Atmaram Commercial Complex, Dr. Atmaram Borkar Road, Post Box No. 271, Panjim, Goa-403001, under rule 6 of Mining Leases (Modification of Terms) Rules, 1956 for modification of above mining leases. A copy of this Show Cause Notices were also sent to the State Government of Goa (Lessor), Industries & Mines Deptt., Panaji, Goa.

During the hearing lessee's representative was present but no representative of the State Government of Goa was present. The lessee has informed vide his letters No. PAJ/121/13, PAJ/121/14 and PAJ/121/15 dated 10-4-2000 that the above mentioned leases had been surrendered to the State Government after the commencement of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. This has also been confirmed by the State Government vide letter No. 101/65-99/Mines/814 dt. 13-4-2000.

It is, therefore, on the basis of the information received from the lessee and lessor regarding surrender of above lease, these cases are hereby closed and filed.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 28-4-2000.

Order

No. CML/Z-159/2000

The following five Mining Leases in respect of M/s. Panduronga Timblo Industries, have been registered in this Office for modification as per provisions of the Mines & Minerals (Regulation & Development) Act, 1957, and the rules made thereunder:—

Sl. No.	Case No.	Denomination of Mine	Village/Taluka & District.	Mineral	T. C. No. & Date	Area (in Hects.)
1.	Z-159	Santonaguro	Sigao, Sanguem South Goa	Fe/Mn	9/1.2.52	76.3548
2.	Z-563	Cancamolla-e-Halditembo	Rivona, Sanguem South Goa	Fe/Mn	22/20.5.57	27.1400
3.	Z-484	Kirmolachem	Surla, Bicholim North Goa	Fe/Mn	37/13.8.57	60.4500
4.	Z-559	Davoscoramolo	Carapur, Bicholim North Goa	Fe	18A/20-5-57	57.9000
5.	Z-388	—	Curpem, Sanguem South Goa	Fe/Mn	134/18.12.53	51.9500
						Total 273.7948

This Office has issued Show Cause Notices to M/s. Panduronga Timblo Industries, Post Box No. 242, Margao, Goa, under rule 6 of Mining Leases (Modification of Terms) Rules, 1956 for modification of the above mining leases, vide letter No. CML/Z-159/99, CML/Z-563/99, CML/Z-484/99 and CML/Z-559/99 dated 27-1-2000. However, Show Cause Notice was not issued in Mining Lease case No. Z-388 (T. C. No. 134 of 18-12-53) as it is not shown in the Schedule of the Act, 1987.

A copy of this Show Cause Notices were also sent to the State Government of Goa (Lessor), Industries & Mines Deptt., Panaji, Goa.

In the meantime, M/s Panduronga Timblo Industries, vide their letter dt. 10th December, 1999 intimated that the company had not applied for renewal of T. C. No. 9/52, 37/55, 18A/57, 22/57 and 134/53 after the commencement of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987, therefore, these had been surrendered.

The hearing for the above 4 leases (Sl. No. 1 to 4), except Sl. No. 5 i.e. case No. Z-388 (T.C.No. 134/53) was held on 21-2-2000 at Goa. During the hearing lessee's representative was present but no representative of the State Government of Goa was present. The lessee has informed vide his letters, that these leases had been surrendered to The State Government after the commencement of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987. This has also been confirmed by the State Government vide their letter No. 101/65-99/Mines/814 dt. 13-4-2000.

It is, therefore, on the basis of the information received from the lessee and lessor regarding surrender of above 5 (five) mining leases, covering total area of 273.7948 hectares, as per enclosed list are hereby closed and filed.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 28-4-2000.

Order

No. CML/Z-468/2000

The following Six Mining Leases in respect of M/s. Sociedade Femento Pvt. Limited have been registered in this Office for modification as per provisions of the Mines & Minerals (Regulation & Development) Act, 1957, and the rules made thereunder:—

Sl. No.	Case No.	Denomination of Mine	Village/Taluka & District	Mineral	Number of date & title	Area (in Hects.)
1.	Z-468	Ordosoddo	Carmonem of Codli, Sanguem Goa	Iron Ore	21 of 9.7.1955	98.0000
2.	Z-266	Soddo	Surla, Bicholim, Goa	Iron Ore	13 of 20-2-1953	88.6400
3.	Z-374	Mata of Velbuemcho Dongor	Velguem, Bicholim, Goa	Iron Ore	121 of 13.11.1953	46.6300
4.	Z-415	Godma Dongor Aram Mordi	Salginem, Sanguem, Goa	Iron & Manganese Ore	17 of 22-2-1954	93.3600
5.	Z-283	Bonvarfondi Tembo	Netorlim, Sanguem, Goa	Iron & Manganese Ore	30 of 24-4-1953	30.8825
6.	Z-384	Nos Aforamentos particulares de Dinacar Amoncar	Madapai, Ponda, Goa	Iron & Manganese Ore	130 of 18.12.1953	31.2000
						Total area: 388.7125

This Office has issued Show Cause notice vide letter No. CML/Z-468/99, CML/Z-266/99, CML/Z-374/99, CML/Z-415/99, CML/Z-283/99, CML/Z-384/99, dt. 25-1-2000 fixing hearing dated 21-2-2000 at Goa to M/s. Sociedade Femento Pvt. Limitada, Vila Flores da Silva, Erasmo Carvalho Street, Post Box. No. 31, Margao, Goa under rule 6 of Mining Leases (Modification of Terms) Rules, 1956 for modification of above mining leases. A copy of these Show Cause Notices were also sent to the State Government of Goa (Lessor), Industries & Mines Deptt, Panaji, Goa.

During the hearing lessee's representative was present but no representative of the State Government of Goa was present. The lessee has informed vide his letters No. Nil dated 29-11-99, 3-2-2000 (6 cases), that the above mentioned six leases had been surrendered to the State Government after the commencement of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. This has also been confirmed by the State Government vide letter No. 101/65-99/Mines/814 dt. 13-4-2000.

It is, therefore, on the basis of the information received from the lessee and lessor regarding surrender of above leases, these cases are hereby closed and filed.

Nagpur:
Dated 28-4-2000.

C. P. Ambesh
Controller of Mining
Leases for India.

Order

Case No. CML/Z - 421/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 8-3-1954 (23/54) for* Iron & Manganese held by Shri Hari V. Lotlikar, Margao, Goa for permanent period with/without a renewal clause, area 67.7400 hectares in village(s) Salauli, Taluka, Sanguem District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- Area: The area of the lease is limited to 67.7400 hectares only.
- Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or

deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 24-5-2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-421/2001

Name of the lessee : Shri Hari Vishnu Lotlikar,
Mine owner, F-13, First Floor,
Bldg. C Katyani Chambers,
Apna Bazar Complex, Opp.
Municipal Garden, Margao,
Goa-403601.

Date of the lease : 8/3/1954 (23/54)

Mineral(s) : Iron & Manganese

Area and Location : 67.7400 hecets.
Vill.: Salauli
Tah.: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause

notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – Shri Hari Vishnu Lotlikar and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 8-3-1954 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objection letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:-

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 10-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry

on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 21st May, 2000.

Order

Case No. CML/Z - 20/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 8-7-1942 (1/42) for* Iron & Manganese held by Dr. Nishikant V. Sukerkar, Legal heir of late Shri Venkatraman P. Sinai Suguerkar, Margao, Goa for permanent period with/without a renewal clause, area 100.5000 hectares in village(s) Conquirem, Taluka Satari, District North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 100.5000 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF
THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-20/2000.

Name of the lessee : Dr. Nishikant V. Sukerkar,
Legal heir of late
Shri Venkatraman
Purushottam Sanai Suguerkar,
362, Aquem, Alto, Margao,
Goa.

Date of the lease : 8/7/1942 (1/42)

Mineral(s) : Iron & Manganese Ore

Area and Location : 100.5000 hecets.
Vill.: Conquirem
Tal.: Satari
Dist. : North Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Dr. Nishikant Sukerkar, Margao, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 8-7-1942 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 12-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified

without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 20-5-2002.

Order

Case No. CML/Z - 140/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 14-09-1951 (60/51) for* Iron & Manganese held by Shri Francis Miguel Mascarenhas, Sanguem, Goa for permanent period area 182.6000 hectares in village(s) Vichundrem, Taluka Sanguem, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 82.6000 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 24-5-2002.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-140/2000. Order dated 24-5-2000

Name of the lessee : Shri Francis Miguel Mascarenhas,
House No. 98, Devrem,
Vichundrem, Netraivalim,
Sanguem, Goa.

Date of the lease : 14-09-1951 (60/51)

Mineral(s) : Iron & Manganese

Area and Location : 82.6000 hecets.
Vill.: Vichundrem
Tal.: Sanguem
Dist. : South Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Francis Miguel Mascarenhas, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 14-9-1951 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.

- ii) affidavit(s) dated 8-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide

Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 24-5-2000.

Order

Case No. CML/Z - 134/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 3-09-1951 (54/51) for* Iron & Manganese held by Shri Jose Azavedo Duarte, Panaji, Goa for permanent period with/without a renewal clause, area 36.1590 hectares in village(s) Verlem, Taluka Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 36.1590 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 24-5-2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-1-34/2000.

Name of the lessee : Shri Jose Azavedo Duarte
C/o. Mrs. Laura Azavedo Duarte,
Opp. Hotel Delmon, Panaji, Goa.

Date of the lease : 3-8-1951 (54/51)

Mineral(s) : Iron & Manganese

Area and Location : 36.1590 hec
Vill.: Verlem
Tal.: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under

Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Jose Azavedo Duarte, panaji, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 3-8-1951 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objection letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 10-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa,

Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 24-5-2000.

Order

Case No. CML/Z - 258/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 6-2-1953 (5/53) for* Iron & Manganese held by Shri Aleixo Manuel Da Costa, H. No. 1560, Curtorim, Salcete, Goa 403709 for permanent period with/without a renewal clause, area 95.0900 hectares in village(s) Tudou/Patiem, Taluka Sanguem District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 95.0900 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 24-5-2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-258/2000.

Name of the lessee	: Shri Alexio Manuel Da Costa House No. 1560, P.O. Curtorim Salcete, Goa 403709.
Date of the lease	: 6-2-1953 (5/53)
Mineral(s)	: Iron & Manganese
Area and Location	: 95.0900 hecets. Vill.: Tuddu/Patiem Tal.: Sanguem
Period	: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Alexio Manuel Da Costa, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 6-2-1953 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objection letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 9-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).
However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/pléa advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the

amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Govt. notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated 24-5-2000.

Case No. CML/Z - 568/2000

Order**[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]**

Whereas a case was registered for the modification of terms of a mineral mining lease dated 3-6-1957 (27/57) for* Iron held by Shri Noor Mohamad Sheik Mussa, legal heir of late Shri Mussa Xequé Usman, Ponda-Goa for pmt. period, area 83.7400 hectares in Village(s) Colem, Taluka: Sanguem, District : South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 83.7400 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the state Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 568/2000

Name of the lessee : Shri Noor Mohamad Sheikh Mussa,
legal heir of late Shri Musa Xequé Usman, Ponda, Goa

Date of the lease : 3-6-1957 (27/57)

Mineral(s) : Iron

Area and Location : 83-7400 hectares
Village : Colem
Taluka: Sanguem
Dist : South Goa

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Noor Mohamad Sheik Musa, Ponda, Goa, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 3-6-1957 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of

Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 6-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (R&D) Act, 1957, MCR, 1960 MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of

Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987,

6. As stated above, vide Government of Goa notifications dated 30th September' 1963 and 4th Jan' 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct' 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Case No. CML/Z - 463/2000

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 18-6-1955(16/55) for* Iron Ore held by Shri Vassudev Guiri Quenim, Dr. Dada Vaidya Road, Panaji, Goa-403001 for pmt. period with/without a renewal clause, area 56.7900 hectares in Village(s) — Sonshi, Taluka Satari, District North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the above lease is limited to 56.7900 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 463/2000

Name of the lessee : Shri Vassudev Guiri Quenim
Dr. Dada Vaida Road,
Panaji, Goa-403001

Date of the lease : 18-6-1955 (16/55)

Mineral(s) : Iron Ore.

Area and Location : 56.79. hectare
Village : Sonshi
Taluka : Satari
District : North Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Vassudev Guiri Quenim, Panaji, Goa and the lessor-the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 18-6-1955 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 11-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government. (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the

Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Development & Regulation) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Acts, 1957, Goa, Daman and Diu Mining concessions (Abolition & Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 24th May, 2000.

Case No. CML/Z - 801/2000

Order

The following Mining Lease(s) in respect of Shri V. G. Quenim, Panaji, Goa, has been registered in this Office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder:—

- | | |
|-----------------------------|--|
| 1. Case No | : CML/Z-80 |
| 2. T. C. No. & Dt. of lease | : 3 of 11-7-1963 |
| 3. Denomination of the mine | : Culnasoddo-e-outros. |
| 4. Location | : Village : Bali
Taluka : Sanguem
District : South Goa |
| 5. Mineral | : Iron |
| 6. Area | : 77.8940 hectares |

2. This office has issued Show Cause Notice to Shri Vassudeva Guiri Quenim, Keni Building, Dr. Dada Vaidya Road, Panaji-403001 (Goa), under rule 6 of Mining Leases (Modification of Terms) Rules, 1956, for modification of the above mining leases vide letter No. CML/Z-801/2000 (T.C. No. 3/63) dated 29-2-2000 endorsing a copy of this show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor)

3. The hearing of the above lease was held on 11-4-2000 at Goa. During the hearing lessee's representative was present but no representative of State Government of Goa was present. The lessee has informed vide his letter dated 11-4-2000 that the above mentioned lease had been surrendered to the State Government of Goa, after the commencement of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987. This has been conformed by the State Government vide their letter No. 101/65-99/Mines/814 dated 13-4-2000.

It is therefore, on the basis of information received from the lessees and lessor regarding surrender of above mining lease, covering an area of 77.8940 hectares, it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

Order

Case No. CML/Z - 209/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 18-7-1952(59/52) for* Iron & Manganese held by Shri Prabhakar Keshav

Kunde, son of late Shri Quexova Sinai Cundo, Margao--Goa for pmt. period area 97.5350 hectares in Village(s) — Colomba, Taluka Sanguem, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 97.5350 hectares only.
- (ii) **Period:** No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 209/2000

Name of the lessee : Shri Prabhakar Keshav Kundo,
Son of late Shri Quexova Sinai
Kundo, Mines Owner
Rua Lourence Caetano Monteiro,
Margao, Goa

Date of the lease : 18-7-1952 (39/52)
Mineral(s) : Iron & Manganese
Area and Location : 97.5350 hectares
Village : Colomba
Taluka : Sanguem
District : South Goa.
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Keshav Kundo, Margao, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 18-7-1952 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.

- ii) affidavit(s) dated 3-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made

applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulations & Development) Act, 1957, Goa Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

Order

Case No. CML/Z - 38/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 17-12-1949(17/49) for* Iron & Manganese Ore held by Shri Atmarama Xembu Poi Palondicar, Margao Goa, for pmt. period area 44.6964 hectares in Village(s) —Colomba, Taluka Sanguem, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 44.6964 hectares only.
- (ii) **Period:** No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed

to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 38/2000

Name of the lessee : Shri Atmaram Xembu Poi
Palondicar
347/18, Kuchadkar Bldg. Opp.
State Bank of India,
Curchorem, Goa.

Date of the lease : 17-12-1949 (17/49)

Mineral(s) : Iron & Manganese Ore

Area and Location : 44.6964 hectares
Village : Colomba
Taluka : Sanguem
District : South Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the

above mentioned mining lease was sent to the lessee - Shri Atmaram X. Poi Palondicar, Margao, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 17-12-1949 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures-I & II under Rules/Act.
- ii) affidavit(s) dated 5-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal

applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 23rd May, 2000.

Case No. CML/Z - 353/2000

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas Two cases were registered for the modification of terms of (2) *mineral mining leases dated as per enclosed list for* Iron & Manganese held by Shri Ashok Prabhakar Kudchadkar, legal heir of late Shri Prabhakar D. Kudchadkar for pmt. period area 53.5740 hectares in village(s) as per enclosed list, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above leases shall stand modified as follows:-

- (i) Area: The area of Two (2) leases as per enclosed list is limited to 53.5740 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

ANNEXURE

DETAILS OF TWO (2) MINING LEASES

Name of the Lessee & : Shri Ashok Prabhakar Kudchadkar,
Address : Legal heir of Shri Prabhakar D. Kudchadkar,
Mine Owner, Opp. Railway Station, Curchorem, Goa.

Sr. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area
1	2	3	4	5	6	7
1.	Z-353	Canvorem Dongra Chem Advona or Dongrachem Palsona	Canvorem of Colomba Sanguem South Goa	FE/MN	100 of 9-10-1953	22-1350
2.	Z-203	Navelim Dongor	Curpem Sanguem South Goa	FE/MN	53 of 13-6-1952	31-4390
TOTAL						53.5740

NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 353/2000

Name of the lessee : Shri Ashok Prabhakar
Kudchadkar
Legal heir of late Shri Prabhakar
D. Kudchadkar,
Mine Owner, Opp. Railway
Station, Curchorem, Goa.

Date of the lease }
Mineral(s) } As per enclosed List.
Area and Location }

Period Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Ashok Prabhakar Kudchadkar, Curchorem, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- affidavit(s) dated 8-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulations & Development) Act, 1957, Goa

Daman and Diu Mining Concessions (Abolition Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th May, 2000.

Case No. CML/Z - 767/2000.

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas three cases were registered for the modification of terms of (3) *mineral mining leases dated as per enclosed list for* Iron & Manganese held by Shri Ravindra Tulsidas Deulkar, Panaji-Goa. for pmt. period, area 266.1180 hectares in Village(s) as per enclosed list, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above leases shall stand modified as follows:-

- (i) Area: The area of three (3) leases as per enclosed list is limited to 266.1180 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

ANNEXURE

DETAILS OF THREE (3) MINING LEASES

Name of the Lessee & : Shri Ravindra Tulsidas Deulkar, C/o. P. B. No. 99

Address : 2nd Floor, Entrance III, Patto Plaza, Panjim, Goa.

Sr. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area
1	2	3	4	5	6	7
1.	Z-767	Santona Codil	Maulinguem Sanguem, South, Goa	FE/MN	3 of 18-1-1960	97.4000
2.	Z-100	Careacodil Upri Addam Tembo	Maulinguem Sanguem South Goa	FE/MN	20 of 9-3-1951	87.2180
3.	Z-702	Deugotimola Pilogal Gonla	Maulinguem Sanguem South Goa	FE/MN	22 of 8-6-1959	81-5000
Total of 3 Leases						266.1180

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 767/2000

Name of the lessee : Shri Ravindra Tulsidas Deulkar,
C/o Post Box No. 99, Sesa Ghor,
2nd Floor, Entrance III,
Patto Plaza, Panjim, Goa.

Date of the lease

Mineral(s)

Area and Location

Period

As per enclosed List.

: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Ravindra Tulsidas Deulkar, Panjim, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- affidavit(s) dated 4-4-2000 & 5-4-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa

w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan'1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 491/2000

The following mining lease(s) in respect of Shri Ravindra Tulsidas Deulkar, P. B. No. 99, Patto Plaza, Panaji, Goa has been registered in this office for modification as per provisions of the Mines and Minerals (Development & Regulation) Act, 1957 and the rules made thereunder:

- | | |
|-----------------------------|---|
| 1. Case No. | : CML/Z-491 |
| 2. TC. No. & date of lease | : 2 of 18-01-1956 |
| 3. Denomination of the mine | : Bicholicho Choll |
| 4. Locations | : Village : Mahem
Taluka : Bicholim
North Goa |
| 5. Mineral | : Iron & Manganese |
| 6. Area | : 98-6400 hect. |

02. This office has issued Show Cause Notice (s) to Shri Ravindra Tulsidas Deulkar, P. B. No. 99, Sesa Ghor, 2nd Floor, Entrance-III, Patto Plaza, Panaji, Goa under Rule 6 of Mining Leases (Modification of Terms) Rule, 1956 for modification of the above mining lease(s) vide letter No. CML/Z-491/2000 (TC No. 2/56) dated 11-4-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department., Panaji, Goa (Lessor).

03. Meanwhile, a list from the State Government of Goa vide their letter No. 101/65/99-Mines/814 dated 13-4-2000 was received intimating the names of the lessee(s) who did not file applications in Form 'J' for renewal of their leases consequent upon the enactment of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 and deemed rejected. On examination of this list, it is observed that the above mentioned lease(s) falls under the category of deemed rejection.

04. It is, therefore, on the basis of information received from the lessee and lessor regarding surrender of above

mining lease, covering an area of 98.6400 hect., it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 281/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of *mineral mining lease dated 24-4-1953 (28/53) for* Iron & Manganese ore held by M/s Zantye & Co. Pvt. Ltd., Panaji-Goa, for pmt. period, area 72,0000 hectares in village(s) : Sarvona Taluka, Bicholim district, North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 72.000 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 281/2000

Name of the lessee : M/s Zantye & Co. Pvt. Ltd,
Narsinhva Prasad (H. No. 71)
Rua Angelo-De-Pe, Altinho,
Panaji, Goa 403001

Date of the lease : 24-4-1953 (28/53)

Mineral(s) : Iron & Manganese Ore.

Area and Location : 72.0000 hecets.
Village : Sarvona
Taluka: Bicholim
District : North Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s. Zantye & Co. Pvt. Ltd., Panaji, Goa and the lessor- the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 18-5-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 15-5-2000 at Goa, the lessee was represented by his advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already

stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 6-05-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of

Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulations & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 798/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of a *mineral mining lease dated 30-8-1961 (8/61) for *Iron Ore held by M/s. Madachem Bat Mine Pvt. Ltd., Vasco-da-Gama, Goa for pmt. period, area 64.7600 hectares in Village(s) Pale, Taluka : Bicholim, District North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the leases as per enclosed is limited to 64.7600 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa,

Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 798/2000

Name of the lessee : M/s. Madachem Bat Mine Pvt.
Ltd. Survan Bandekar Building,
P. O. Box. No. 11, Swatantra Path,
Vasco-da-Gama, Goa-403002

Date of the lease : 30-8-1961 (8/61)

Mineral(s) : Iron Ore.

Area and Location : 64.7600 hect.
Village: Pale
Taluka : Bicholim
District : North Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s Madachem Bat, Mines Pvt., Ltd. Vasco-da-Gama, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 30-08-1961 held by the lessee.

3. The case was also taken up for hearing on 18-05-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 15-05-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 9-5-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisios of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 99/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of mineral a *mining lease dated 9-3-1951 (19/51) for* Fe/Mn held by Shri Shaik Ayub, Post Box No. 22, Bansai Curchorem, Sanguem for pmt. period area 80.2600 hectares in village(s) Verlem, Taluka Sanguem, district of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above leases shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 80.2600 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 99/2000

Name of the lessee : Shri Shaik Ayub,
Post Box No. 22
Bansai, Churchorem,
Sanguem, Goa.

Date of the lease : 9-3-1951 (19/51)

Mineral(s) : Fe/Mn

Area and Location : 80.2600 hectares
Village : Verlem
Taluka : Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shaikh Ayub, Sanguem, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 09-03-1951 held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of

Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 16-5-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining

Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 326/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of *a mineral mining lease dated 10-8-1953 (73/53) for* Iron & Manganese Ore held by Shri Erasmo Jesus De Sequeira, Campal, Panaji-Goa for pmt. period area 98.9800 hectares in village(s) Contorem Taluka Satari, District North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 98.9800 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed

to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 326/2000

Name of the lessee	: Shri Erasmo Jesus De Sequeira, Legal heir Mrs. Mauren de Sequeira, P. O. Box. No. 116, Campal Panaji-Goa.
Date of the lease	: 10-3-53 (73/53)
Mineral(s)	: Iron Ore & Manganese.
Area and Location	: 98.9800 hectares. Village : Cotorem Taluka : Satari District : North Goa.
Period	: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Erasmo Jesus De Sequeira, Campal, Panjim, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 10-8-1953 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-4-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 5-5-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP

wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controllor of Mining Leases for India.
Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 189/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 18-4-1952 (39/52) for *Iron & Manganese held by Shri Mukund Vaman Joshi, at Vagalim, P. O. Oxel, Bardez, Goa. 403517 for pmt. period area 79.7950 hectares in Village(s) Ozrim, Taluka Pernem, district of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 79.7950 hectares only.
- (ii) **Period:** No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) **The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-**

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 189/2000

Name of the lessee : Shri Mukund Vaman Joshi
at Vagalia,
Post Oxel,
Bardez,
Goa. 403517

Date of the lease : 10-04-1952 (39/52)

Mineral(s) : Iron & Manganese

Area and Location : 79.7950 hectares
Village : Ozrim
Taluka : Pernem
District : Goa

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Mukund Vaman Joshi Bardez, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 10-4-1952 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 11-04-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from

the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 16-5-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development)

Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 289/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 15-5-1953 (36/53) for Iron & Manganese held by Shri Esvonta Visnum Poi Roiturkar, Margao, Goa for pmt. period area 44.0310 hectares in Village(s) Netorlim, Taluka, Sanguem, District South Goa of Goa State.

And whereás an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 44.0310 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 289/2000

Name of the lessee : Shri Esvonta Visnum Poi
Roiturkar,
C/o Dr. Shailesh M. Poi Roiturkar.
House No. 100, Aquem - Alto
Margao, Goa.
Date of the lease : 15.05-1953 (36/53)
Mineral(s) : Iron & Manganese
Area and Location : 4.0310 hectares
Village : Netorlim
Taluka : Sanguem
District : South Goa
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under

Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Esvonta Visnum Poi Roiturkar, Margao, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 15-05-1953 held by the lessee.

3. The case was also taken up for hearing on 15-05-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 15-05-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 3-5-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the

Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 82/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 8-01-1951 (1/51) for *Fe/Mn held by Shri Shaikh Mohamad Issac, C/o Shaik Salim, Ground View Appt. Bldg. No. 2, Plot No. 6, Sanguem, Goa for pmt. period area 83.0000 hectares in Village(s) Caurem, Taluka Quepem, District of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 83.0000 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 82/2000

Name of the lessee : Shri Shaik Mohamad Issac,
C/o Shaik Salim
Ground View Apptt. Bldg. No. 2
Flat No. 6 Sanguem, Goa.
Date of the lease : 8-1-1951 (1/51)
Mineral(s) : Fe/Mn
Area and Location : 83,0000 hectares
Village : Caurem
Taluka : Quepem
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Shaik Mohamad Issac, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 8-1-1951 held by the lessee.

3. The case was also taken up for hearing on 15-05-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 15-05-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 16-5-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are

consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

Case No. CML/Z - 188/2000

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated as per enclosed list for* Iron & Manganese held by Shri Hiru Bombo Gauns, Margao, Goa. for pmt. period area 120.0000 hectares in Village(s) as per enclosed list, dist South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of Two (2) Leases as per enclosed list is limited to 120.0000 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

ANNEXURE

DETAILS OF TWO (2) MINING LEASES

Name of the Lessee and : Shri Hiru Bombo Gauns,

Address : Post Box No. 257, Station Road,
Margao, Goa.

Sr. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area
1	2	3	4	5	6	7
1.	Z-21	Santana Tembo	Vishundrem Sanguem South Goa	FE/MN	1 of 6-10-1947	20.00
2.	Z-188	Santana Tembo Bando Xetachem	Vichundrem Sanguem South Goa	FE/MN	38 of 14-04-1952	100.0000
Total area of 2 Leases						120.0000

NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 188/2000

Name of the lessee : Shri Hiru Bombo Gauns,
Post Box No. 257
Station Road,
Margao, Goa

Date of the lease	} As per enclosed List
Mineral(s)	
Area and Location	
Period	Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Hiru Bombo Gauns, Margao Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated as per enclosed list

3. The case was also taken up for hearing on 15-05-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 15-05-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 4th May, and 8th May, 2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the

Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

Case No. CML/Z - 363/2000

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 16-10-1953 (110/53) for* Iron Ore held by M/s Cosme Costa & Sons, Mapusa, Goa. for pmt. period area 68.1000 hectares in Village(s) Pissurlem, Taluka Satari, District of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of Two (2) Leases as per enclosed list is limited to 68.1000 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the

Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 363/2000

Name of the lessee : M/s. Cosme Costa & Sons,
Altinho, Mapusa, Goa.
Date of the lease : 16-10-1953 (110/53)
Mineral(s) : Iron Ore
Area and Location : 68.1000 hectares
Village : Pisurlem
Taluka : Satari
District : Goa.
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s Cosme Costa of Sons, Mapusa, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 16-10-1953 held by the lessee.

3. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 15-05-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 10-5-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now

stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

Order

Case No. CML/Z -570/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 01-07-1957 (28/57) for* Iron held by Mr. Saby Fernandes, Son of Shri

Santana Fernandes, Margao-Goa for pmt. period area 100.0000 hectares in village(s) Curtorim, Taluka Salcete District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the Lease is limited to 100.0000 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z.-570/2000

Name of the lessee : Mr. Saby Fernandes,
Son of Shri Santana Fernandes,
Pajifond, Margao, Goa.
Date of the lease : 01.07.1957 (28/57)
Mineral(s) : Iron
Area and Location : 100.0000 hectares
Village : Curtorim
Taluka : Salcete
District : South Goa.
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Mr. Saby Fernandes, Son of Shri Santana Fernandes and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated 01-7-1957 held by the lessee.

3. The case was also taken up for hearing on 15-05-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 15-05-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 2-5-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January

1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

Case No. CML/Z - 687/2000

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 9-5-1959 (T. No. 7/59) for* Iron held by Mrs. Manikbai Poi Vernekar, wife of late Pundalica Poi Vernekar, Mercers-Goa for pmt. period, area 28.5000 hectares in village(s) Darbondora, Taluka of Sanguem, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 28.5000 hectares only.
- (ii) **Period:** No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 26th May, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 687/2000

Name of the lessee : Mrs. Manikbai Poi Vernekar,
Wife of late Shri Pundalica Poi
Vernekar,
Merces, Goa.

Date of the lease : 08-09-1939 (7/59)

Mineral(s) : Iron

Area and Location : 28.5000 hectares
Village: Darbandora
Taluka : Sanguem
District : South Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Mrs. Manikbai Poi Vernekar, Merces, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 15-05-2000 at Goa, the lessee was represented by his Advocate/representative.

The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 05-05-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under

protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

Case No. CML/Z - 162/2000

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas Seven (7) cases were registered for the modification of terms of 7 *mineral mining leases dated as per enclosed list for* Fe/Mn held by M/s Narahari S. S. Narvekar, Margao Goa for pmt. period, area 575.0685 hectares in village(s) as per enclosed list district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above leases shall stand modified as follows:-

- (i) Area: The area of Seven (7) Leases as per list enclosed is limited to 575.0685 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

ANNEXURE

In supersession of this office earlier order dated 22-12-1999

DETAILS OF SEVEN (7) MINING LEASES

Name of the Lessee & : M/s Narahari S. S. Narvekar,
Address : Bombi Niwas Opp. Fatima Convent, Margao Goa.

Sr. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area
1	2	3	4	5	6	7
1.	Z-162	Mainantil Murdi	Vill. Santana T. Sanguem Dist. South Goa	Fe/Mn	12 of 8-2-1952	77.5575
2.	Z-285	Palictembo & Baqueriz	Vill. Curdi T. Sanguem Dist. South Goa	Fe/Mn	32 of 24-4-1953	68.0000
3.	Z-398	Vacanaltil Tomculi	Vill. Shiroda T. Ponda Dist. South Goa	Fe/Mn	144 of 28-12-1953	85.3540
4.	Z-710	Eva Vanganavorli Mordi	Vill. Molcornem T. Quepem Dist. South Goa	Fe/Mn	30 of 29-6-1959	80.5200
5.	Z-120	Pandava Xetavoilo Sodo Vozro sodo	Vill. Santana Quirlapale T. Sanguem Dist. South Goa	Iron	40 of 27-4-1951	99.2000
6.	Z-71/	Ambeadoc Coutres ter adj	Vill. Santana Rumdem T. Sanguem Dist. South Goa	Iron	31 of 29-6-1959	90.9500
7.	Z-724	Mata Nacional Talsai, etc.	Vill. Curdi T. Sanguem Dist. South Goa	Iron	44 of 31-6-1959	73.4870
TOTAL : Area						575.0685

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z. 162/2000

Name of the lessee : M/s Narahari S. S. Narvekar
'Bombi Niwas' Opp Fatima
Convent
Margao, Goa.

Date of the lease }
Mineral(s) } As per enclosed List
Area and Location }
Period } Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s Narahari S. S. Narvekar, Margao Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 25-8-99 & 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 & 15-5-2000 at Goa, the lessee was represented by his Advocate/

representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 7th Dec. 99 & 9th May, 2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it

will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan' 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st Oct 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th Jan' 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 235/2000

The following mining lease(s) in respect of M/s Musa Usman Ali, Mine Owner, Ponda, Goa has been registered in this office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act 1957, and the rules made thereunder:

1. Case No. : CML/Z-235
2. TC No. & date of lease : 85 of 10-10-1952
3. Denomination of the mine : Gadichem Advona

4. Location : Village : Curpem
Taluka : Bicholim
District : Goa
5. Mineral : Iron
6. Area : 75.4030 hectares.

02. This office has issued Show Cause Notice(s) to M/s Shri Musa Usman Ali, Mine Owner, Ponda, Goa under Rule 6 of Mining Lease (Modification of Terms) Rules, 1956, for modification of the above mining lease(s) vide letter No. CML/-235/2000 (TC No. 85/52) dated 7-4-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor). The above Show Cause Notice(s) was returned undelivered to lessee by postal department with the remarks 'addressee left'.

03. Meanwhile, a list from the State Government of Goa vide their letter No. 101/65/99- Mines 814 dated 13-4-2000 was received intimating the names of the lessee(s) who did not file application in Form 'J' for renewal of their leases consequent upon the enactment of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 and deemed rejected. On examination of this list it is observed that the above mentioned lease(s) falls under the category of deemed rejection.

It is, therefore, on the basis of information received from the State Government of Goa (Lessor), regarding rejection/surrender of the said mining lease(s) covering an area of 75.4030 hec., it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th June, 2000.

Case No. CML/Z - 130/2000

Order

The following mining lease(s) in respect of Shri Vassudev Narayan Sarmalkar, Mine Owner, P. O. Box No. 28, Margao. (Goa) has been registered in this office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act 1957, and the rules made thereunder:

1. Case No. : CML/Z-130
2. TC No. & date of lease : 50 of 6-7-1951
3. Denomination of the mine : Gola Dongor
4. Location : Village : Sulcora
Taluka : Quepen
District : Goa
5. Mineral : Fer/Mang.
6. Area : 87.5690

02. This office has issued Show Cause Notice(s) to Shri Vassudev Narayan Sarmalkar, Mine Owner, P. O. Box No. 28, Margao. (Goa) under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956, for modification of the above mining lease(s) vide letter No.

CML/-130/2000 (TC No. 50/51) dated 5-4-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor). The above Show Cause Notice(s) was returned undelivered to lessee by postal department with the remarks 'addressee left.'

03. Meanwhile, a list from the State Government of Goa vide their letter No. 101/65/99- Mines 814 dated 13-4-2000 was received intimating the names of the lessee(s) who did not file application in Form 'J' for renewal of their leases consequent upon the enactment of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 and deemed rejected. On examination of this list it is observed that the above mentioned lease(s) falls under the category of deemed rejection.

It is, therefore, on the basis of information received from the State Government of Goa (Lessor), regarding rejection/surrender of the said mining lease(s) covering an area of 87.5690 hec., it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India
Nagpur, 26th June, 2000.

Order

Case No. CML/Z - 763/2000

Dated: 23-5-2000

The following mining lease(s) in respect of Shri Krishna Waman Kenny, Mine Owner, Panaji-Goa. has been registered in this office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act 1957, and the rules made thereunder:

1. Case No. : CML/Z-763
2. TC No. & date of lease : 84 of 14-12-1959
3. Denomination of the mine : Vissanuvvarshi
4. Location : Village : Curchirem
Taluka : Satari
District : Goa
5. Mineral : Iron
6. Area : 46.2700 hectares

02. This office has issued Show Cause Notice(s) to Shri Krishna Waman Kenny, Miner Owner, Panaji-Goa under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956, for modification of the above mining lease(s) vide letter No. CML/763/2000 (TC No. 84/59) dated 7-4-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor). The above Show Cause Notice(s) was returned undelivered to lessee by postal department with the remarks 'addressee left.'

03. Meanwhile, a list from the State Government of Goa vide their letter No. 101/65/99- Mines 814 dated 13-4-2000 was received intimating the names of the lessee(s) who did not file application in Form 'J' for renewal of their leases consequent upon the enactment

of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 and deemed rejected. On examination of this list it is observed that the above mentioned lease(s) falls under the category of deemed rejection.

It is, therefore, on the basis of information received from the State Government of Goa (Lessor), regarding rejection/surrender of the said mining lease(s) covering an area of 46.2700 hectares., it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 23rd May, 2000.

Order

Case No. CML/Z - 589/2000

The following mining lease(s) in respect of Shri Hari Purxotoma Sinai Curchorcar, Mine Owner, Village Nirabaga, Tal Sanguem, Goa. has been registered in this office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act 1957, and the rules made thereunder:

- | | |
|-----------------------------|--|
| 1. Case No. | : CML/Z-589 |
| 2. TC No. & date of lease | : 48 of 14-10-1957 |
| 3. Denomination of the mine | : Cafen Dongor |
| 4. Location | : Village : Nirabaga
Taluka : Sanguem
District : Goa |
| 5. Mineral | : Iron & Manganese |
| 6. Area | : 95.6460 hectares. |

02. This office has issued Show Cause Notice(s) to M/s Shri Hari Purxotoma Sinai Curchorcar, Mine Owner, Vill. Nirabaga, Tal Sanguem, Goa under Rule 6 of Mining Lease (Modification of Terms) Rules, 1956, for modification of the above mining lease(s) vide letter No. CML/589/2000 (TC No. 48/57) dated 24-5-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor). The above Show Cause Notice(s) was returned undelivered to lessee by postal department with the remarks 'addressee left.'

03. Meanwhile, a list from the State Government of Goa vide their letter No. 101/65/99- Mines 814 dated 13-4-2000 was received intimating the names of the lessee(s) who did not file application in Form 'J' for renewal of their leases consequent upon the enactment of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 and deemed rejected. On examination of this list it is observed that the above mentioned lease(s) falls under the category of deemed rejection.

It is, therefore, on the basis of information received from the State Government of Goa (Lessor), regarding rejection/surrender of the said mining lease(s) covering an area of 95.6460 hectares, it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 24th May, 2000.

Case No. CML/Z - 670/200

Order

The following mining lease(s) in respect of M/s. A Mineira Prometadora Limitada, Curchorem, Goa, has been registered in this office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act 1957, and the rules made thereunder:

- | | |
|-----------------------------|--|
| 1. Case No. | : CML/Z-670 |
| 2. TC No. & date of lease | : 66 of 17-10-1958 |
| 3. Denomination of the mine | : Bonaquitembo |
| 4. Location | : Village : Vichundrem
Taluka : Sanguem
District : Goa |
| 5. Mineral | : Iron |
| 6. Area | : 98.8200 hectares. |

02. This office has issued Show Cause Notice(s) to M/s. A Mineira Prometadora Limitada, C/o Prabhakar D. Kudchadkar, Opp. Rly Station, Curchorem, Goa-403706, under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956, for modification of the above mining lease(s) vide letter No. CML/670/2000 (TC No. 66/58) dated 7-4-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor).

03. The hearing of the above lease was held on 15-05-2000 at Goa. During the hearing, lessee's representative was present but no representative of State Government of Goa was present. The lessee has informed vide his letter dated 27-4-2000 that he has not submitted application for renewal of the above mining leases, consequent upon the enactment of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and deemed rejected. This has also been confirmed by the State Government vide their letter No. 101/65-Mines/814, dated 13-4-2000.

It is, therefore, on the basis of information received from the lessee and lessor regarding surrender of the above mining lease(s) covering an area of 98.8200 hectares it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 26th May, 2000.

Order

Case No. CML/Z - 728/2000

The following mining lease(s) in respect of Shri Xec. Ayub, Mine Owner, Post Box No. 22, Bansai, Curchorem, Goa has been registered in this office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act 1957, and the rules made thereunder:

- | | |
|-----------------------------|-------------------|
| 1. Case No. | : CML/Z-728 |
| 2. TC No. & date of lease | : 49 of 21-9-1959 |
| 3. Denomination of the mine | : Vaguiped |
| 4. Location | : |

5. Mineral
6. Area

Village : Curdi
Taluka : Sanguem
District : Goa
: Iron & Manganese
: 21.5100 hectares.

02. This office has issued Show Cause Notice(s) to Shri Xec. Ayub, Mine Owner, Post Box No. 22, Bansai, Curchorem, Goa under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956, for modification of the above mining lease(s) vide letter No. CML/728/2000 (TC No. 49/59) dated 5-4-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor). The above Show Cause Notice(s) was returned undelivered to lessee by postal department with the remarks 'addressee left.'

03. Meanwhile, a list from the State Government of Goa vide their letter No. 101/65/99- Mines 814 dated 13-4-2000 was received intimating the names of the lessee(s) who did not file application in Form 'J' for renewal of their leases consequent upon the enactment of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 and deemed rejected. On examination of this list it is observed that the above mentioned lease(s) falls under the category of deemed rejection.

It is, therefore, on the basis of information received from the State Government of Goa (Lessor), regarding rejection/surrender of the said mining lease(s) covering an area of 21.5100 hectares, it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 28th June, 2000.

Case No. CML/Z - 716/2000

Order

The following mining lease(s) in respect of M/s Shri Mucund Saru S. Salelcar, Mine Owner, Sanguem, Goa has been registered in this office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act 1957, and the rules made thereunder:

- | | |
|-----------------------------|--|
| 1. Case No. | : CML/Z-716 |
| 2. TC No. & date of lease | : 36 of 10-3-1959 |
| 3. Denomination of the mine | : Bute-Rmola |
| 4. Location | :
Village : Curdi
Taluka : Sanguem
District : Goa |
| 5. Mineral | : Iron |
| 6. Area | : 96.5300 hectares |

02. This office has issued Show Cause Notice(s) to Shri Mucund Saru S. Salelcar, Mine Owner, Sanguem, Goa under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956, for modification of the above mining lease(s) vide letter No. CML/716/2000 (TC No. 36/59) dated 7-4-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor). The above Show Cause Notice(s) was returned undelivered to lessee by postal department with the remarks 'addressee left.'

03. Meanwhile, a list from the State Government of Goa vide their letter No. 101/65/99- Mines 814 dated 13-4-2000 was received intimating the names of the lessee(s) who did not file application in Form 'J' for renewal of their leases consequent upon the enactment of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 and deemed rejected. On examination of this list it is observed that the above mentioned lease(s) falls under the category of deemed rejection.

It is, therefore, on the basis of information received from the State Government of Goa (Lessor), regarding rejection/surrender of the said mining lease(s) covering an area of 96.5300 hecets., it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 28th June, 2000.

Order

Case No. CML/Z - 396/2000

The following mining lease(s) in respect of Shri Baburao Anta Raicar, Mine Owner, Rua Abade Faria, Margao, Goa has been registered in this office for modification as per provisions of the Mines and Minerals (Regulation & Development) Act 1957, and the rules made thereunder:

- | | |
|-----------------------------|---|
| 1. Case No. | : CML/Z-396 |
| 2. TC No. & date of lease | : 142 of 18-12-1953 |
| 3. Denomination of the mine | : Temculi and Santorem |
| 4. Location | :
Village : Siroda
Taluka : Ponda
District : Goa |
| 5. Mineral | : Iron & Manganese |
| 6. Area | : 30.4150 hectares |

02. This office has issued Show Cause Notice(s) to Shri Baburao Anta Raicar, Mine Owner, Rua Abade Faria, Margao, Goa under Rule 6 of Mining Lease (Modification of Terms) Rules, 1956, for modification of the above mining lease(s) vide letter No. CML/-396/2000 (TC No. 142/53) dated 7-4-2000 endorsing a copy of this Show Cause Notice(s) to the State Government of Goa, Industries & Mines Department, Panjim, Goa (Lessor). The above Show Cause Notice(s) was returned undelivered to lessee by postal department with the remarks 'addressee left.'

03. Meanwhile, a list from the State Government of Goa vide their letter No. 101/65/99- Mines 814 dated 13-4-2000 was received intimating the names of the lessee(s) who did not file application in Form 'J' for renewal of their leases consequent upon the enactment of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987 and deemed rejected. On examination of this list it is observed that the above mentioned lease(s) falls under the category of deemed rejection.

It is, therefore, on the basis of information received from the State Government of Goa (Lessor), regarding rejection/surrender of the said mining lease(s) covering an area of 30.4150 hectares., it is hereby the case is closed and filed from this end.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 28th June, 2000.